

BUSINESS MEETING  
BEFORE THE  
CALIFORNIA ENERGY RESOURCES CONSERVATION  
AND DEVELOPMENT COMMISSION

In the Matter of:                     )  
  )  
Business Meeting                     )  
  )  
\_\_\_\_\_                              )

CALIFORNIA ENERGY COMMISSION  
HEARING ROOM A  
1516 NINTH STREET  
SACRAMENTO, CALIFORNIA

WEDNESDAY, APRIL 17, 2002  
10:00 A.M.

Reported by:  
Peter Petty  
Contract No. 150-01-006

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

COMMISSIONERS PRESENT

William J. Keese, Chairman

Robert A. Laurie

Arthur H. Rosenfeld

Robert Pernell

James D. Boyd

STAFF PRESENT

Steve Larson

Jonathan Blee

Betty McCann

Ezra Amir

Steve Williams

Gary Fay

Caryn Holmes

Christopher Meyer

Dan Rios

Bill Pennington

Alan Argentine

Joseph McCabe

Sue Kately

PUBLIC ADVISER

Grace Bos

ALSO PRESENT

Bonita Churney  
Coastal Alliance on Plant Expansion

Jeffrey D. Harris, Attorney  
Ellison, Schneider and Harris, LLP  
Andrew Trump, Director Business Development  
Duke Energy North America  
Morro Bay Power Project

Mark Wolfe, Attorney  
California Unions for Reliable Energy

Danny Walsh, Consultant/Lobbyist  
Danny Walsh & Associates

Thomas L. Trimberger, Senior Mechanical Engineer  
County of Sacramento  
California Building Officials

Robert E. Raymer, Technical Director/Senior  
Advocate  
California Building Industry Association

Commission consideration and possible adoption of amendments to the building energy efficiency standards related to cloth-backed rubber adhesive duct tapes used for field-fabricated duct systems in low-rise residential buildings.

COMMISSIONER PERNELL: Mr. Chairman.

CHAIRMAN KEESE: Commissioner Pernell.

COMMISSIONER PERNELL: I seem to have all these today. Just by a matter of, I guess, history, in response to the Commission's discretion on December 19th, the energy efficiency Committee considered amendments to the building standards and concerns of Tyco's petition.

February 22nd there was a rulemaking proceeding which acted on the petition. March 21st of '02, by the way that was December of '01, so now we're on March 21st of '02, the Committee conducted a public hearing to review the possible

1 amendments. A number of stakeholders were at that  
2 public hearing.

3 Then on March 26th the Committee  
4 summarized the hearing comments and its  
5 conclusions and issued a notice of Committee  
6 conclusions, which was dated March 26th.

7 The Committee's recommendation is that  
8 the Commission do not adopt any changes to the  
9 existing building standards. And I might add that  
10 we have discussed this issue with Tyco, as well as  
11 a number of legislative members.

12 So, Mr. Chairman, with that brief  
13 history, and I don't know if we have witnesses for  
14 this or if staff wants to comment.

15 MR. PENNINGTON: I'm Bill Pennington  
16 with staff. I'm here if you have questions.

17 CHAIRMAN KEESE: All right.

18 MR. PENNINGTON: I don't have any  
19 prepared comments.

20 CHAIRMAN KEESE: Do we have anybody else  
21 who would like to testify on this?

22 MR. WALSH: Did you get my card?

23 CHAIRMAN KEESE: Yes, I have your card.

24 MR. WALSH: Oh, okay, great. Danny  
25 Walsh, Tyco Adhesive.

1                   CHAIRMAN KEESE:  Yes, I'm sorry.

2                   MR. WALSH:  First of all I'd like to  
3                   thank the Commission and the Chairman of the  
4                   Committee, also Mr. Rosenfeld, for sitting through  
5                   an awful lot of discussion on the issue.  I'll try  
6                   to make this as quick as possible.

7                   We don't have any trouble with you  
8                   moving ahead with the motion as Commissioner  
9                   Pernell stated it at this time.  However, be aware  
10                  that because of your efforts and the collaboration  
11                  between Tyco and the Commission that the 181  
12                  cloth-backed tape is presently being tested in the  
13                  LBL Labs, and is performing well after three  
14                  months on the collar-to-collar situation.

15                  So, given that, the motion is fine at  
16                  this point.  But if that tape continues to perform  
17                  as we expect it to, on the collar-to-collar  
18                  example, we may be back here in four, five, six,  
19                  either months, depending upon how long those tests  
20                  go.

21                  So, thank you very much for --

22                  CHAIRMAN KEESE:  Thank you, appreciate  
23                  that.

24                  MR. WALSH:  -- your patience with us.

25                  CHAIRMAN KEESE:  Thank you.  Mr. Raymer.

1 MR. RAYMER: Mr. Chairman and  
2 Commissioners, I'm Bob Raymer representing the  
3 California Building Industry Association. And we  
4 support the Committee recommendation. Our initial  
5 concerns are listed quite well in the staff  
6 summary of comments.

7 And there was one other curious note.  
8 As of late, when special notices are put out on  
9 particular products, has nothing to do with the  
10 duct tape issue, but just in general, I've noticed  
11 that some of our larger members have a tendency  
12 just to simply pull back from use of that product  
13 regardless of what the notice says.

14 And so there could have been an  
15 unintended consequence here by a lot of builders  
16 actually pulling away from using any type of cloth  
17 tape material.

18 So, with that, once again we support the  
19 recommendation.

20 CHAIRMAN KEESE: Thank you. Staff will  
21 note. Any other comments?

22 MR. TRIMBERGER: Good morning, I'm Tom  
23 Trimberger representing California Building  
24 Officials Association, and the Chair of CEC  
25 Subcommittee for that organization.

1           And I'm just speaking in support of the  
2       recommendation to deny the new language.

3           CHAIRMAN KEESE:   Thank you.   Any other  
4       comments?

5           Do I have a motion?

6           COMMISSIONER PERNELL:   Yes, Mr.  
7       Chairman, I would move that the Commission approve  
8       Committee's recommendation to take no action to  
9       adopt changes to the existing building standards.

10          CHAIRMAN KEESE:   Motion by Commissioner  
11       Pernell.

12          COMMISSIONER ROSENFELD:   Second.

13          CHAIRMAN KEESE:   Second by Commissioner  
14       Rosenfeld.

15          All in favor?

16          (Ayes.)

17          CHAIRMAN KEESE:   Opposed?   Adopted four  
18       to nothing.

19          COMMISSIONER PERNELL:   Mr. Chairman, I  
20       also want to publicly thank Mr. Walsh for his  
21       cooperation and we certainly appreciate that.  
22       And, as the product is being tested, we will  
23       certainly -- Mr. Pennington is in contact with  
24       LBNL on a daily basis.

25          COMMISSIONER ROSENFELD:   I'll second



1           that, too.

2                       CHAIRMAN KEESE:   Thank you. 13

PETERS SHORTHAND REPORTING CORPORATION   (916) 362-2345

## CERTIFICATE OF REPORTER

I, PETER PETTY, an Electronic Reporter,  
do hereby certify that I am a disinterested person  
herein; that I recorded the foregoing California  
Energy Commission Business Meeting; that it was  
thereafter transcribed into typewriting.

I further certify that I am not of  
counsel or attorney for any of the parties to said  
meeting, nor in any way interested in outcome of  
said meeting.

IN WITNESS WHEREOF, I have hereunto set  
my hand this 21st day of April, 2002.

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345